

41/G

I hereby certify that this correspondence is being transmitted by facsimile addressed to Examiner Fox, Art Unit 1649, Facsimile Number (703) 305-7401, at the United States Patent and Trademark Office, Washington, D.C., 20231, on August 19, 1999.

By 

Docket #15562/02  
(formerly 62-1(1))

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of )  
 )  
Comai, et al. ) Examiner: Fox, D.  
 )  
Serial No. 07/985,742 ) Art Unit: 1649  
 )  
Filed: December 4, 1992 )  
 )  
For: FIGWORT PLANT PROMOTER ) AMENDMENT UNDER  
AND USES ) 37 C.F.R. § 1.312-116  
 )

8/19/99  
DF

OIC  
to enter  
8/20/99  
DJK  
Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Received  
8/19/99  
DJK

Dear Sir:

In response to the Office Action issued on remand from an appeal to the Board of Patent Appeals and Interferences, Applicants provide the following amendments and remarks in the above-referenced application.

### IN THE SPECIFICATION

Please change the attorney docket number in this case, to 15562/02.

### IN THE CLAIMS

Please amend the claims as follows:

1  
28. (Fourth Amendment) A recombinant DNA construct capable of transcription in a plant cell comprising in the 5' to 3' direction of transcription as operably joined components, a figwort mosaic virus 34S promoter, a DNA sequence of interest heterologous to said promoter and a transcript termination region functional in a plant cell wherein said figwort mosaic virus 34S promoter is at least a quarter length promoter.

G,

35